

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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GUCCI AMERICA, INC.,

Plaintiff,

-against-

JENNIFER GUCCI, et al.,

Defendants.
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USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC DATE FILED 8/6/09

07 CIVIL 6820 (RMB)(JCF)

JUDGMENT

Whereas a bench trial was held on June 29, 2009, and the matter having come before the Honorable Richard M. Berman, United States District Judge, and the Court, on August 5, 2009, having rendered its Findings of Fact & Conclusions of Law directing the Clerk of Court to enter judgment in favor of Plaintiff enjoining Jennifer Gucci, Gemma Gucci, and Litwak, and their agents, servants, employees, successors and assigns, and all persons in active concert or participation with them, are hereby (i) permanently enjoined in the United States from making any commercial use of the JENNIFER GUCCI and/or GEMMA GUCCI name, including licensing, sublicensing, manufacturing, importing, exporting, advertising, promoting, displaying, distributing, circulating, offering for sale, selling or otherwise disposing of in any manner with any products which are the subject of this lawsuit (e.g., coffee, bedding, housewares, cosmetics, hosiery, handbags, wine, and gelato); (ii) permanently enjoined from registering or attempting to register a trademark with the USPTO (or any other U.S. trademark agency) for the names JENNIFER GUCCI or GEMMA GUCCI, or any other name, mark or symbol that is confusingly similar to any of the Gucci Trademarks for the use upon any of the products which are the subject of this lawsuit; and they are (iii) permanently enjoined from imitating, copying or making unauthorized use of designs and indicia

that infringe upon the Gucci Trademarks, including the following federally-registered trademarks owned by Gucci, including U.S. Trademark Registration Nos. 876,292,959,338, 972,078, 1,093,769, 1,140,598, 1,168,477, 1,169,019, 1,168,922, 1,200,991, 1,202,802, 1,321,864, and 1,340,599 for the GUCCI Word Mark; U.S. Trademark Registrations Nos. 1,122,780, 1,123,224, and 1,483,526 for Gucci's GREEN-RED-GREEN Stripe design; and U.S. Trademark Registration Nos. 2,680,237, 3,072,547, and 3,072,549 for Gucci's REPEATING GG Design, it is,

ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Findings of Fact & Conclusions of Law dated August 5, 2009, judgment is entered in favor of Plaintiff; Jennifer Gucci, Gemma Gucci, and Litwak, and their agents, servants, employees, successors and assigns, and all persons in active concert or participation with them, are hereby (i) permanently enjoined in the United States from making any commercial use of the JENNIFER GUCCI and/or GEMMA GUCCI name, including licensing, sublicensing, manufacturing, importing, exporting, advertising, promoting, displaying, distributing, circulating, offering for sale, selling or otherwise disposing of in any manner with any products which are the subject of this lawsuit (e.g., coffee, bedding, housewares, cosmetics, hosiery, handbags, wine, and gelato); (ii) permanently enjoined from registering or attempting to register a trademark with the USPTO (or any other U.S. trademark agency) for the names JENNIFER GUCCI or GEMMA GUCCI, or any other name, mark or symbol that is confusingly similar to any of the Gucci Trademarks for the use upon any of the products which are the subject of this lawsuit; and they are (iii) permanently enjoined from imitating, copying or making unauthorized use of designs and indicia that infringe upon the Gucci Trademarks, including the following federally-registered trademarks owned by Gucci, including U.S. Trademark Registration Nos. 876,292, 959,338, 972,078, 1,093,769, 1,140,598, 1,168,477, 1,169,019, 1,168,922, 1,200,991, 1,202,802, 1,321,864, and 1,340,599 for the GUCCI Word Mark; U.S.

Trademark Registrations Nos. 1,122,780, 1,123,224, and 1,483,526 for Gucci's GREEN-RED-GREEN Stripe design; and U.S. Trademark Registration Nos. 2,680,237, 3,072,547, and 3,072,549 for Gucci's REPEATING GG Design; Jennifer Gucci and Gemma Gucci may in the future be permitted to use their full names on any new products or services not included in paragraph 67 consistent with the following conditions:

- (a) they shall have received prior written approval for any such proposed use from the USPTO; and
- (b) they serve a copy of any USPTO application upon Plaintiff or Plaintiff's successor contemporaneously with the filing of any USPTO application; and
- (c) they shall have obtained a written opinion from recognized trademark counsel that any such use is lawful;
- (d) any such use shall relate to products or services actually designed by (or selected by) Jennifer Gucci and/or Gemma Gucci; and
- (e) Jennifer Gucci and/or Gemma Gucci shall have acquired demonstrable reputation(s), skill and knowledge with respect to such products or services; and
- (f) all uses of JENNIFER GUCCI and/or GEMMA GUCCI in connection with such products or services in advertisements or hang tags or promotional materials must be accompanied by a disclaimer, prominently displayed and unambiguously stating, that Jennifer and/or Gemma Gucci, respectively, is not affiliated or associated in any way with Gucci or "GUCCI" products; and
- (g) Jennifer and Gemma Gucci shall adhere to the requirements of paragraphs 9 through 12 of Judge Conner's Final Judgment in Gucci Shops as entered on July 13, 1988;

Plaintiff is also entitled to an accounting of profits, its reasonable attorneys' fees and costs incurred

in prosecuting this action, and punitive damages from Litwak, and these matters are referred to United States Magistrate Judge James C. Francis, IV for a report and recommendation; Defendants' counterclaim for a declaratory judgment is resolved at paragraph 92 supra; and, for the reasons stated above, HOM's application to be relieved as counsel for the Defendants is denied as moot.

Dated: New York, New York
August 6, 2009

J. MICHAEL McMAHON

Clerk of Court

BY:



Deputy Clerk

THIS DOCUMENT WAS ENTERED
ON THE DOCKET ON _____